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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 || DEE V. TOWLES

Petitioner,

11 | VS.

12 || WARDEN BACA, et al.,

13 || Respondents.

Case No. 3:13-cv-00576-RCJ-WGC

ORDER

15 The court directed petitioner to show cause why this action should not be dismissed as
16 untimely. Order (#9). Petitioner has submitted a response.

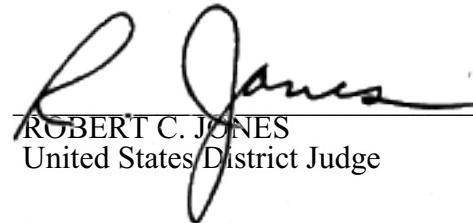
The court is not persuaded by petitioner's arguments for equitable tolling. Petitioner lists his family and medical problems, but his judgment of conviction became final twenty-six (26) years, and the one-year period of limitation expired seventeen (17) years, before he sent his habeas corpus petition to this court. Unless petitioner was totally incapacitated, and his other allegations show that he was not, he had the ability to file a federal habeas corpus petition long before he did. Petitioner also describes his efforts from 1996 to 2006 to obtain parole and from 2005 to 2008 to return to the state courts. If petitioner was able to pursue these efforts, then he also was able to file a federal habeas corpus petition long before he did. Equitable tolling is not warranted in this case.

Reasonable jurists would not find the court's conclusion to be debatable or wrong, and the court will not issue a certificate of appealability.

IT IS THEREFORE ORDERED that this action is **DISMISSED** with prejudice as untimely.
The clerk of the court shall enter judgment accordingly.

1 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.
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DATED: This 11th day of February, 2015


ROBERT C. JONES
United States District Judge